



# UNITED STATES PATENT AND TRADEMARK OFFICE

*ET*

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

09/922,559

08/03/2001

Jon E. Beck

IOM-P022.01

1726

22876

7590

08/17/2006

FACTOR & LAKE, LTD  
1327 W. WASHINGTON BLVD.  
SUITE 5G/H  
CHICAGO, IL 60607

EXAMINER

SCHELL, LAURA C

ART UNIT

PAPER NUMBER

3767

DATE MAILED: 08/17/2006

Please find below and/or attached an Office communication concerning this application or proceeding.



**DETAILED ACTION*****Drawings***

The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they include the following reference character(s) not mentioned in the description: Fig. 3 contains the reference number "78" which is not found in the specification. Corrected drawing sheets in compliance with 37 CFR 1.121(d), or amendment to the specification to add the reference character(s) in the description in compliance with 37 CFR 1.121(b) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

***Claim Objections***

Claims 21, 22, 26, 29, 31, 32, 34, 35, 39, 41, 44, 47, 48, 49, 50, 52, 53, 57 and 59 are objected to because of the following informalities, all of which are grammatical errors which need to be corrected.

With respect to claim 21, line 11 contains the phrase "on the eye being maintained" which should be changed to "on the eye is maintained" for the correct

Art Unit: 3767

grammatical form, which also allows the claim to read more clearly and distinguish what is being claimed.

With respect to claim 22, lines 2-3 of the claim has the phrase "on the eye being facilitated by abutment of lateral straddling member" which should be changed to "on the eye is facilitated by the abutment of the lateral straddling member". In particular, the rest of the claims in the application contain "the" in front of particular structures of the device, and it is appropriate to insert it here as well.

With respect to claim 26, line 2 contains the phrase "biasing abutment" which should be changed to "biasing the abutment".

With respect to claim 29, line 2 contains the phrase "maintains abutment" and line 3 contains "and abutment". The word "the" should be inserted in front of the word "abutment" in each case above.

With respect to claim 31, "wherein the handle including a wire" should be changed to "wherein the handle includes a wire".

With respect to claim 32, "the handle being" should be changed to "the handle is".

With respect to claim 34, line 8 contains the phrase "the eye being maintained by" which should be changed to "the eye is maintained by". Line 10 further contains the phrase "biasing abutment" which should be changed to "biasing the abutment".

With respect to claim 35, line 1 contains the phrase "maintaining placement" which should be changed to "maintaining the placement". Line 2 contains the phrase

Art Unit: 3767

“the eye being facilitated by abutment” which should be changed to “the eye is facilitated by the abutment”.

With respect to claim 39, the first and second lines contain the phrase “wherein the registration member comprising” which should be changed to either “the registration member further comprising” or “wherein the registration member comprises”.

With respect to claim 41, line 2 contains the phrase “maintains abutment” and line 3 contains “and abutment”. The word “the” should be inserted in front of the word “abutment” in each case above.

With respect to claim 44, the first and second lines contain the phrase “wherein the handle member comprising” which should be changed to either “the handle member further comprising” or “wherein the handle member comprises”.

With respect to claim 46, the first line contains the phrase “the handle including” which should be changed to “the handle includes”.

With respect to claim 47, the second line contains the phrase “registration member including” which should be changed to “registration member includes”.

With respect to claim 48, the first line contains “the handle being” which should be changed to “the handle is”, and the second line contains “and extending therefrom” which should be changed to “and extends therefrom”.

With respect to claim 49, the second line contains “being unitarily configured” which should be changed to “is unitarily configured”, and the phrase “extending therefrom” should be changed to “extends therefrom”.

With respect to claim 50, the first line contains "the handle being" which should be changed to "the handle is".

With respect to claim 52, line 10 contains "the eye being maintained" which should be changed to "the eye is maintained". Line 12 contains "biasing abutment" which should be changed to "biasing the abutment".

With respect to claim 53, line two contains "the eye being facilitated by abutment of lateral" which should be changed to "the eye is facilitated by the abutment of the lateral". Line three contains "the medial straddling member" which should be changed to "the abutment of the medial straddling member".

With respect to claim 57, line two contains "maintains abutment" which should be changed to "maintains the abutment", while line three contains "and abutment" which should be changed to "and the abutment".

With respect to claim 58, the phrase "handle including a wire" should be changed to "handle includes a wire".

With respect to claim 59 contains "handle being unitarily" which should be changed to "handle is unitarily" and the phrase "extending therefrom" should be changed to "extends therefrom".

***Allowable Subject Matter***

Claims 21, 22, 24-26, 29, 31, 32, 34-37, 39, 41-50, 52-59 are allowed, provided all objections are overcome.

The following is an examiner's statement of reasons for allowance: The subject matter of the independent claims could either not be found or was not suggested in the

prior art of record. The subject matter not found was the structural features of the handle including lateral and medial straddling members, facilitating the placement of a medicament containment member on the eye, as well as the distinct connections between all structural members claimed.

### ***Conclusion***

This application is in condition for allowance except for the following formal matters: the above objection to the drawing must be corrected, as well as all the grammatical errors pointed out above.

Prosecution on the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

A shortened statutory period for reply to this action is set to expire **TWO MONTHS** from the mailing date of this letter.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Laura C. Schell whose telephone number is (571) 272-7881. The examiner can normally be reached on Monday-Friday 8am-4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kevin Sirmons can be reached on (571) 272-4965. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 3767

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

LCS  
LCS

TATYANA ZALUKAEVA  
SUPERVISORY PRIMARY EXAMINER  
